

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

USAA GENERAL INDEMNITY	§	
COMPANY A/S/O	§	
BRITTON L. SMALLWOOD,	§	
	§	
PLAINTIFF,	§	
	§	
VS.	§	CIVIL ACTION NO. 9:18-0CV-188
	§	
MICROSOFT CORP. and EATON	§	JURY REQUESTED
CORPORATION D/B/A	§	
COOPER INDUSTRIES,	§	
	§	
DEFENDANTS.	§	

ADVISORY TO THE COURT

COME NOW, Plaintiff, USAA GENERAL INDEMNITY COMPANY A/S/O BRITTON L. SMALLWOOD, Defendant EATON CORPORATION D/B/A COOPER INDUSTRIES, and Defendant, MICROSOFT CORPORATION, and file this Advisory to the Court.

I.

Due to a number of conflicts among the schedules of the experts who were necessary in order for each party and potential party to evaluate the evidence in this case (experts for USAA General Indemnity Company a/s/o Britton L. Smallwood, Eaton Corporation d/b/a Cooper Industries, Microsoft Corporation, and non-party HP (formerly Hewlett-Packard), the essential inspection of the equipment at issue in this case is scheduled to take place on April 3, 2019.

II.

The parties believe that the inspection will need to take place a reasonable amount of time prior to any expert designation deadlines and prior to any deadlines for joinder of additional parties. The parties have not yet received a scheduling order from the Court, and by this

Advisory respectfully request that the Court take into account their belief that they will need additional time beyond what was estimated in their original proposed scheduling order in order to properly and competently meet any such deadlines, making the deadline to add any new parties and the expert designation deadlines both no earlier than late May, 2019.

Respectfully submitted,

/s/ Rick A. Eckerson with permission Alison D. Kennamer

Rick A. Eckerson

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served upon all counsel of record, to-wit:

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by ecf system, certified mail, return receipt requested, facsimile transmission, and/or hand delivery pursuant to the Federal Rules of Civil Procedure on this the 11th day of March, 2019.

/s/ Alison D. Kennamer

Alison D. Kennamer